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United States of America

9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 02-938-GHK
12 Plaintiff,)
13 v.) <u>GOVERNMENT'S STATUS REPORT</u>
14 MICHAEL PATRICK McELHINEY,) <u>CONCERNING INTENTION NOT TO</u>
15 JASON LEE SCHWYHART) <u>RECONSIDER DECISION TO SEEK</u>
16 Defendants.) <u>DEATH PENALTY AGAINST DEFENDANT</u>
) <u>McELHINEY</u>

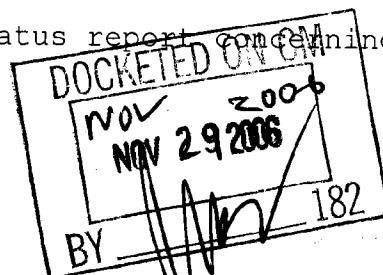
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18 Plaintiff United States of America hereby notifies the Court
19 and defendant McElhiney, pursuant to the Court's order dated
20 November 21, 2006, that the government does not intend to
21 reconsider its decision to seek the death penalty against
22 defendant McElhiney.

23 The government is discussing whether to reconsider its
24 decision to seek the death penalty against defendant Schwyhart,
25 and the government will file a status report concerning that

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2006 NOV 28 PM 3:46
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
FBI


FILED

4201

1 matter in accordance with the Court's prior order.

2 Dated: November 28, 2006 Respectfully submitted,

3 GEORGE S. CARDONA
4 Acting United States Attorney
5 THOMAS P. O'BRIEN
6 Assistant U. S. Attorney
7 Chief, Criminal Division

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9 STEPHEN G. WOLFE
10 Assistant United States Attorney

11 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I, CAREY P. CRONIN, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of:

GOVERNMENT'S STATUS REPORT CONCERNING INTENTION NOT TO RECONSIDER DECISION TO SEEK DEATH PENALTY AGAINST DEFENDANT McELHINEY

service was:

☐ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☒ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☐ By facsimile as follows:

☐ By messenger as follows:

☐ By federal express as follows:

SEE ATTACHMENT

This Certificate is executed on 11/28/06, at Los Angeles, California. I certify under penalty of perjury that the foregoing is true and correct.



CAREY P. CRONIN

ATTACHMENT

UNITED STATES v. MICHAEL PATRICK McELHINEY, et al.
No. CR 02-938-GHK

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